

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:05-00107

GEORGE M. LECCO
also known as "Porgy"
VALERI FRIEND

MOTION OF THE UNITED STATES
TO REDACT PORTIONS OF CERTAIN DOCUMENTS

Comes now the United States of America by Philip H. Wright, Assistant United States Attorney for the Southern District of West Virginia, and in accordance with this Court's Sealed Order of May 4, 2009, files this Motion to Redact Portions of Certain Documents.

Following this Court's Sealed Order, the United States requests this Court to accept, for the public record, redacted versions of the following documents:

1. The Defendant's Joint Post-Hearing Memorandum In Support of Motion for New Trial Based on Juror Misconduct, originally filed on March 4, 2008, in unredacted form, and which is currently sealed with a redacted version being filed on the public record on April 30, 2008;

2. The documents from the U.S. Attorney's Office and FBI concerning the investigation of juror William Griffith,

collectively referred to as the "Investigative File;" and

3. Portions of the Interview Summaries (Exhibits A-K) filed on February 28, 2008.

The specific redactions requested by the United States consist of the following:

1. Joint Post-Hearing Memorandum. The United States proposes redacting the names of individuals connected to the child pornography investigation of Griffith, other than Griffith himself and the law enforcement officers, in order to comply with the Court's stated intention on page 5 of the Sealed Order. The United States also believes that the portions currently redacted in the April 30, 2008, version of the Memorandum can be "unredacted." Attachment One specifies by page and quotation the references requested for redaction in the Joint Post-Hearing Memorandum.

2. Investigative File. The United States proposes redacting the names of individuals connected to the child pornography investigation of Griffith, other than Griffith himself and the law enforcement officers, in order to comply with the Court's stated intention on page 5 of the Sealed Order. The United States also proposes redacting personal identifying information, such as social security numbers up to the last four digits, dates of birth up to the year, names of minor children, home addresses up to city and state, and the AOL password of Griffith, in order to comply with the District Court's Administrative Procedures for Electronic Case

Filing § 19.2.1.

Finally, the United States proposes redacting the FBI Operation Plan (bates-labeled SA 37-42) for executing the search warrant at Griffith's home in December 2002. The Plan contains information about the planning and execution of the search warrant. It does not explain what actually happened during or as a result of the search. Griffith was never shown the document. Information about who participated in the search and how the search was conducted may be found in other documents in the Investigative File that will be part of the public record. (For example, FD-302, bates-labeled FBI 26, lists the names of the officers who participated in the search; Interview Summary Exhibit J, testimony of Special Agent Ciccarelli, pp. 2-4, discusses the execution of the search; and Testimony of Griffith on December 18, 2007, at pp. 84-90, 133-36, also discusses the search.) The United States believes that revealing an actual FBI Operation Plan could potentially jeopardize future operations, and therefore asks that these pages (SA 37-42) be redacted.

Attachment Two specifies by page and quotation the references requested for redaction in the Investigative File.

3. Interview Summaries. The United States proposes redacting the names of individuals connected to the child pornography investigation of Griffith, other than Griffith himself and the law enforcement officers, in order to comply with the Court's stated

intention on page 5 of the Sealed Order. Although Interview Summaries were not specified in the Court's Sealed Order, those documents are referenced in the Court's Memorandum and Opinion of May 4, 2009. Redacting certain names from the Interview Summaries would therefore be consistent with, and indeed seems required by, the Court's states intention "that any documents spread on the public record not contain the names of others in connection with the child pornography investigation of Griffith other than Griffith and the law enforcement officers." Sealed Order at 5.

Attachment Three specifies by page and quotation the references requested for redaction in the Interview Summaries.

The United States has consulted with counsel for both defendants. Defense counsel have indicated no objection to the redaction request set forth in this Motion.

The United States will forward to the Court, under separate cover, a hard copy of the materials reflecting the redactions requested. These latest requested redactions to the Investigative File are marked in black, computer-generated rectangular blocks, which should be distinguishable from the original redactions in the Investigative File. The United States will submit a disk containing .pdf files of the materials to defense counsel, along with this motion and the attachments.

Respectfully submitted,

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CERTIFICATE OF SERVICE

It is hereby certified that service of the foregoing "Motion of the United States to Redact Portions of Certain Documents" and the accompanying "Motion to Seal United States Motion to Redact Portions of Certain Documents" has been electronically filed with the Clerk of Court this the 10th day of September 2009 using the CM/ECF system and served upon opposing counsel by virtue of such CM/ECF system.

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